LIBRARY
SUPREME COURT, U. S.

FILED
SEP 5 1973
MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

October Term, 1973
No. 73-423

PENN CENTRAL TRANSPORTATION COMPANY,
Petitioner,

vs.

LEONARD L. EDSALL,
Respondent.

PETITION FOR A WRIT OF CERTIORARI
To the United States Court of Appeals
For the Sixth Circuit

THOMAS R. SKULINA
420 Standard Building
Cleveland, Ohio 44113
Attorney for Petitioner

JOHN F. DOLAN
420 Standard Building
Cleveland, Ohio 44113
Of Counsel

THE GATES LEGAL PUBLISHING CO., CLEVELAND, OHIO—TEL. (216) 621-5647

TABLE OF CONTENTS

OPINIONS BELOW 1
JURISDICTION 2
QUESTIONS PRESENTED 2
STATUTES INVOLVED 2
STATEMENT OF THE CASE 3
REASONS FOR GRANTING THE WRIT 5

The Questions Presented Are of Importance in the Administration of Trials 5

CONCLUSION 7

APPENDIX:

A. Order of the District Court (Sept. 6, 1972) 9
B. Opinion of the Court of Appeals (May 22, 1973) 10
C. Order of the Court of Appeals Denying Petition for Rehearing (June 7, 1973) 14
D. Pre-Trial Order of the District Court (July 5, 1972) 15
E. Order of the District Court (July 21, 1972) 16
F. Exhibits 17

TABLE OF AUTHORITIES

Cases

Bautista v. Concentrated Employment Program of Dept. of Labor, 459 F.2d 1019 (9th Cir. 1972) 6
Berardi v. The Pure Oil Corporation, 456 F.2d 98 (6th Cir. 1972) 6
Edsall v. Penn Central Transportation Co., ...F.2d ..... (6th Cir. 1973) 6
Link v. Wabash R. Co., 370 U.S. 626 (1962) 6
Pond v. Braniff Airways, 453 F.2d 347 (5th Cir. 1972) 6
Sloup v. Hershey, 457 F.2d 148 (7th Cir. 1971) 6
Theilmann v. Rutland Hospital, Inc., 455 F.2d 853 (2nd Cir. 1972) 6

Statutes

28 U.S.C., Section 1254(1) 2
45 U.S.C., Section 51 ..... 2, 5

Supreme Court of the United States

October Term, 1973

No. _____

PENN CENTRAL TRANSPORTATION COMPANY,
Petitioner,

vs.

LEONARD L. EDSALL,
Respondent.

PETITION FOR A WRIT OF CERTIORARI
To the United States Court of Appeals
For the Sixth Circuit

Petitioner prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Sixth Circuit entered after denial of Petition for Rehearing on June 8, 1973.

OPINIONS BELOW

The opinions in the Courts below have not been reported. The order of the Trial Judge dismissing the cause of action without prejudice for want of prosecution is appended hereto as Appendix "A". The opinion of the Sixth Circuit reversing the Trial Judge is appended hereto as Appendix "B" and the order denying the petition for rehearing is appended hereto as Appendix "C".

JURISDICTION

The judgment of the Court of Appeals for the Sixth Circuit was filed on May 22, 1973. A timely petition for rehearing was denied on June 7, 1973. The jurisdiction of this Court is invoked under 28 U.S.C., Section 1254(1).

QUESTIONS PRESENTED

1. Does a Trial Judge have the authority to dismiss without prejudice an action brought under the Federal Employers' Liability Act, 45 U.S.C., Sec. 51, for failure to prosecute?

2. Does notice of an order setting a trial date and ordering replacement counsel if necessary served upon the attorney constitute notice to his client?

3. May a Trial Judge dismiss an action brought by a railroad employee under the Federal Employers' Liability Act where neither he nor his counsel appear in court though a notice of trial was served upon both the attorney and the railroad employee?

STATUTES INVOLVED

45 U.S.C., Section 51.

"Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is em-

ployed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin, dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

"Any employee of a carrier, any part of whose duties as such employee shall be the furtherance of interstate or foreign commerce; or shall, in any way directly or closely and substantially, affect such commerce as above set forth shall, for the purposes of this chapter, be considered as being employed by such carrier in such commerce and shall be considered as entitled to the benefits of this chapter."

STATEMENT OF THE CASE

On July 5, 1972 the Trial Judge issued a pre-trial order (Appendix D) in which trial was set in the case for July 27, 1972 at 10:00 o'clock A.M.

On July 21, 1972 a subsequent order was entered: (Appendix E). The court found that counsel for Mr. Edsall was physically incapacitated and postponed the July 27, 1972 trial date until September 5, 1972. The court in its order stated "No additional continuance will be granted, and it is FURTHER ORDERED that in the event John Ruffalo, Sr. is unable to proceed on the date heretofore indicated, replacement counsel will be prepared to proceed as aforesaid."

On August 31, 1972 notice of trial to commence on September 5, 1972 at 10:00 A.M. was sent by certified mail both to counsel for the plaintiff and to the plaintiff himself (Appendix F).

On September 6, 1972 the Trial Judge filed an order finding that "this case having been called for trial and there having been no appearance by the plaintiff or his attorney, and it appearing to the Court that notice of trial has been served upon both the plaintiff and his attorney, . . ." (Exhibit A), it was, therefore, ordered by the Court that the complaint be dismissed without prejudice for want of prosecution at plaintiff's costs. At that time the statute of limitations for the prosecution of a Federal Employers' Liability Act had not yet expired with respect to the first cause of action.

The Sixth Circuit Court of Appeals reversed the Trial Judge and denied the petition for rehearing.

REASONS FOR GRANTING THE WRIT

The Questions Presented Are of Importance in the Administration of Trials

The issue raised by this appeal confronts this Court with the question of law involving the right of discretion of a Trial Judge to administer court proceedings including the discretion to impose reasonable sanctions when the Trial Judge's orders are disregarded in the first instance by an attorney and in the second instance both the attorney and by the claimant himself. The first instance refers to a notice of trial with a provision that substitute counsel must be retained in the event of unavailability for trial which was sent to the attorney. The second order relating to a trial date was sent to both the attorney and the claimant.

The Circuit Courts have not been uniform in upholding the discretionary power of the Trial Judge and a decision from this Court clarifying the extent of a Trial Judge's discretion is of great importance to all District Judges and to all practitioners and claimants who appear in trials of any kind.

1. DOES A TRIAL JUDGE HAVE THE AUTHORITY TO DISMISS WITHOUT PREJUDICE AN ACTION BROUGHT UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT, 45 U.S.C. SEC. 51, FOR FAILURE TO PROSECUTE?

2. DOES NOTICE OF AN ORDER SETTING A TRIAL DATE AND ORDERING REPLACEMENT COUNSEL IF NECESSARY SERVED UPON THE ATTORNEY CONSTITUTE NOTICE TO HIS CLIENT?

3. MAY A TRIAL JUDGE DISMISS AN ACTION BROUGHT BY A RAILROAD EMPLOYEE UNDER THE

FEDERAL EMPLOYERS' LIABILITY ACT WHERE NEITHER HE NOR HIS COUNSEL APPEAR IN COURT THOUGH A NOTICE OF TRIAL WAS SERVED UPON BOTH THE ATTORNEY AND THE RAILROAD EMPLOYEE?

Though this Honorable Court in the case of *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) established that a Trial Judge has the authority to dismiss the plaintiff's action with prejudice because of failure to prosecute [in that case missing a pre-trial conference], the Circuit Courts have strayed from the law of that case and have substituted different guide lines with respect to the discretionary power of a Trial Judge to issue sanctions of dismissal for want of prosecution.

Examples of the Circuit Courts' disagreements may be found in the opinions of the Fifth and Sixth Circuits as opposed to opinions in the Second, Seventh and Ninth Circuits.

Abuses of discretion were found by the Fifth Circuit in *Pond v. Braniff Airways*, 453 F.2d 347 (5th Cir. 1972); *Berardi v. The Pure Oil Corporation*, 456 F.2d 98 (6th Cir. 1972); and in the instant case, *Edsall v. Penn Central Transportation Co.*, ... F.2d ..... (6th Cir. 1973).

Aligned on the side of supporting the discretionary powers of the Trial Judge are the Second, Seventh and Ninth Circuits: *Theilmann v. Rutland Hospital, Inc.*, 455 F.2d 853 (2nd Cir. 1972); *Sloup v. Hershey*, 457 F.2d 148 (7th Cir. 1971); and *Bautista v. Concentrated Employment Program of Dept. of Labor*, 459 F.2d 1019 (9th Cir. 1972).

The obvious insecurity of a system of judicial administration is apparent where an Appellate Court can substitute its own judgment for that of the Trial Judge in the day-to-day setting of cases for trial. In the instant case the Trial

Court gave ample warning to the attorney for the plaintiff that the case was to go to trial on the 5th of September.

The original pre-trial order (Appendix D) scheduled trial for July 27, 1972 at 10:00 A.M. Thereafter, on July 21, 1972 (Appendix E) in response to a continuance sought by plaintiff's counsel the Court then ordered a continuance until September 5, 1972 and indicated that if plaintiff's counsel was unable to proceed that replacement counsel should be prepared to proceed in his stead. The Court sent another order advising of the date of trial five days before time and not only sent it to plaintiff's counsel by certified mail but also sent it to the claimant. The cases were then dismissed, but since the action by which the client brought the case was in the words of the Sixth Circuit ". . . a remedial and humanitarian statute" the Appellate Court would not "punish" the client for the behavior of the lawyer.

CONCLUSION

It would seem, therefore, that if a cause of action is brought under a statute with some humanitarian motivation behind it, then the petitioner can ignore a notice to be at trial and does not have to be concerned about orders directing his attorney to be at court or seek a replacement within six weeks.

Yet if an individual is merely run over by a Greyhound Bus and sues on a diversity basis, that person had better pay attention to court orders less the trial court is permitted to exercise its discretion and impose sanctions for utter disregard of its orders. Or perhaps personal injury might be considered "humanitarian", then the trial court has less discretion.

The test of whether a trial judge has acted unreasonably should not have anything to do with the type of civil case before him. Administration of justice must involve rules and orderly procedures or anarchy of a sort shall replace fair and equal treatment through an orderly process.

The power and authority of a Trial Judge indeed is denuded when he cannot order a trial to commence within a reasonable period and cannot expect either an appearance or some attempt to interpose an excuse for a failure to be ready to proceed. In the instant case, *no one,* neither the lawyer nor the client came to court to seek an extension or proffer some excuse why the case could not proceed. This is, and should be treated as, an affront to the Court. It certainly is a failure to prosecute and the sanction of dismissal *without* prejudice seems fitting and within the exercise of reasonable judicial discretion.

Hence petitioner respectfully requests this Honorable Court to review this case.

Respectfully submitted,

THOMAS R. SKULINA
420 Standard Building
Cleveland, Ohio 44113
Attorney for Petitioner

APPENDIX A
Order of the District Court

(Filed September 6, 1972)

No. C70-594

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEONARD L. EDSALL,
Plaintiff,

vs.

PENN CENTRAL TRANSPORTATION COMPANY,
Defendant.

ORDER

KRUPANSKY, *J.* :

Upon consideration, this case having been called for trial and there having been no appearance by the plaintiff or his attorney, and it appearing to the Court that notice of trial has been served upon both the plaintiff and his attorney,

IT IS ORDERED that the complaint herein is dismissed without prejudice for want of prosecution at plaintiff's costs.

/s/ ROBERT B. KRUPANSKY
United States District Judge

APPENDIX B
Opinion of the Court of Appeals

(Filed May 22, 1973)

No. 72-1995

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LEONARD L. EDSALL,
Plaintiff-Appellant,

v.

PENN CENTRAL TRANSPORTATION COMPANY,
Defendant-Appellee.

On Appeal from the United States District Court for the Northern District of Ohio, Eastern Division.

Decided and Filed May 22, 1973.

Before: PHILLIPS, Chief Judge, McCREE, and LIVELY, Circuit Judges.

PER CURIAM. We consider the appeal of a Federal Employers' Liability Act claimant whose complaint was dismissed without prejudice on September 6, 1972, because neither he nor his counsel of record appeared in court to proceed with the trial of his case when it was called on September 5. The trial date had been set in an order filed by the District Judge on July 21, 1972, and the order further provided:

> No additional continuance will be granted, and it is FURTHER ORDERED that in the event John Ruffalo, Sr. is unable to proceed on the date heretofore indicated, replacement counsel will be prepared to proceed as aforesaid.

Although the order of dismissal purported to be without prejudice, the three-year statute of limitations (45 U.S.C. § 56) had run on one of plaintiff's claims, and the statute ran on plaintiff's other claim two weeks later.

Appellant's counsel argues that he did not appear to try the case because he had been ill and had so apprised the court in July.[1] He claims that he endeavored to telephone the District Judge a few days before the trial date but that the Judge was unavailable. (This period included the Labor Day weekend.)

We regard the attorney's efforts as totally insufficient. He could have but did not write to the court to request a continuance. He could have but did not ask another lawyer to answer the call of the case to explain his absence and to request a continuance. He could have but did not arrange for his client to be present to explain the indis-

---

1. The letter, dated July 20, 1972, read as follows:

Dear Judge Krupansky:

I am enclosing herewith a letter from Dr. John N. McCann of Youngstown, Ohio in respects to his medical advice relating to my present physical condition.

Dr. McCann, as you will note, advises that I cease activities for a period of one month and will evaluate me again at that time as to the likelihood of my resuming my activities or whether to continue on the basis of his original medical advice or on a restricted activity basis.

I regret that I am unable to fulfill my obligations at this time but matters concerning my health must be given first priority. As soon as my physician advises me that I can return to active duty, I will notify you.

SS: John Ruffalo

position of his lawyer and to request a continuance. He could have but did not obtain replacement counsel to try the case in his stead (he did manage to secure replacement counsel by October 1).

The failure to accord opposing counsel and the court this minimum consideration and courtesy in these days of crowded calendars would ordinarily have fully justified the drastic sanction of dismissal of the cause. However, there are special circumstances here. The record does not indicate that Mr. Edsall knew of the requirement in the July 21 order that he be prepared to proceed with replacement counsel if Mr. Ruffalo should have been unavailable, and in the absence of the affirmative showing of such knowledge we are reluctant to punish the client for the behavior of the lawyer. Further, plaintiff's claims are now time-barred and the dismissal thus effectively prevents plaintiff from ever having his day in court. And, the relief he seeks is based on a remedial and humanitarian statute that was specially enacted by Congress to afford relief to employees from injury incurred in the railway industry. *See Urie v. Thompson*, 337 U.S. 163 (1949).

Accordingly, as we said in *Berardi v. Pure Oil Corporation*, 456 F.2d 98, 99 (6th Cir. 1972), "we are hard-pressed to find an abuse of discretion in the court's dismissal, and do so only because we believe that the interests of justice require that [appellant] be afforded one more opportunity to conform [his actions] to the court's orders." Any further delay occasioned by appellant or his counsel will not evoke the same special solicitude on our part, and we expressly reject counsel's contention that the court was without power to enter the dismissal order. We reverse only because in balancing the equities, the interest of the employee who claims injury (not his counsel) out-

weighs, if only slightly so, the interest of the railroad and the concern of the court for its calendar, on these facts.

We decline to consider the issues relating to discovery because as the case now stands they are interlocutory in nature and review of them may never be required.

Reversed and remanded for further proceedings consistent herewith. Costs will abide the outcome of the case on its merits.

APPENDIX C
Order of the Court of Appeals Denying Petition for Rehearing

(Filed June 7, 1973)

No. 72-1995

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LEONARD L. EDSALL,
Plaintiff-Appellant,

vs.

PENN CENTRAL TRANSPORTATION CO.,
Defendant-Appellee.

ORDER

BEFORE: PHILLIPS, Chief Judge, McCREE, and LIVELY, Circuit Judges.

The petition for rehearing having come on to be heard, and although it appears therefrom that plaintiff-appellant had been advised of the trial date, it does not appear that he had been told that no continuance would be permitted. Upon consideration, it is ORDERED that the petition be, and it hereby is, DENIED.

Entered by order of the court.

/s/ JAMES A. HIGGINS
Clerk

APPENDIX D
Pre-Trial Order of the District Court
(Filed July 5, 1972)

No. C70-594

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEONARD L. EDSALL,
Plaintiff,

vs.

PENN-CENTRAL TRANS. CO.
Defendant.

PRE-TRIAL ORDER

A pre-trial conference was held before Judge Robert B. Krupansky on July 5, 1972. Counsel appearing for the parties were:

Plaintiff John Ruffalo

Defendant Thomas R. Skulina

As a result of the pre-trial the following orders were entered in regard to the pleadings, discovery and trial:

1. Defendant will take plaintiff's deposition on July 13, 1972.

2. Defendant will respond to outstanding interrogatories of plaintiff and to plaintiff's request for discovery by July 10, 1972.

3. Trial is set July 27, 1972 at 10:00 a.m.

IT IS SO ORDERED:

/s/ ROBERT B. KRUPANSKY
United States District Judge

APPENDIX E
Order of the District Court

(Filed July 21, 1972)

Civil No. C70-594

THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEONARD L. EDSALL,
Plaintiff,

v.

PENN CENTRAL TRANSPORTATION COMPANY,
Defendant.

ORDER

KRUPANSKY, *J.*

It appearing to the Court that John Ruffalo, Sr. is physically incapacitated, and thereby unable to proceed with the trial of this cause scheduled to commence July 27, 1972, the matter is continued to September 5, 1972.

No additional continuance will be granted, and it is FURTHER ORDERED that in the event John Ruffalo, Sr. is unable to proceed on the date heretofore indicated, replacement counsel will be prepared to proceed as aforesaid.

It is FURTHER ORDERED that the defendant Penn Central Transportation Company's Motion for Production of Documents is granted and said documents will be produced by not later than July 27, 1972.

IT IS SO ORDERED.

/s/ ROBERT B. KRUPANSKY
United States District Judge

APPENDIX F

AFFIDAVIT:

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, Tom C. Samford, being first duly sworn upon my oath, depose and say:

1. I am and have been employed as a deputy clerk for the Northern District of Ohio, Eastern Division, at Cleveland, Ohio.

2. On August 31, 1972 I prepared and mailed by certified mail a notice of trial for September 5, 1972 in the case of Leonard L. Edsall v. Penn Central Transportation Co., C70-594, to Leonard L. Edsall, 2918 W. Federal St., Youngstown, Ohio 44503, certified copies of which notice and return receipts therefor are attached herewith.

Further affiant sayeth not.

Tom C. Samford
Tom C. Samford

Subscribed and sworn to before me by Tom C. Samford this 25th day of May, 1973.

Notary Public
ROBERT B. KRUPANSKY
United States District Judge
Northern District of Ohio

NOTICE OF TRIAL D. C. Form No. 18 (Rev. Sept. 1953)

United States District Court

FOR THE

NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

Leonard L. Edsall

v.

Penn Central Trans. Co.

No. C70-594

TAKE NOTICE that the above-entitled case has been set for trial at Cleveland, Ohio, on Tues. Sep. 5, 19 72, at 10:00 a.m. before Hon. Robert B. Krupansky, U. S. District Judge, Room 238, U. S. Courthouse, Cleveland.

Date Aug. 31, 19 72

Dominic J. Cimino Clerk.

By T. C. Samford Deputy Clerk.

743-2156

To John Ruffalo
510 Mahoning Bank Bldg.
Youngstown, Ohio 44503

Leonard L. Edsall
2918 W. Federal St.
Youngstown, Ohio 44503

Thomas R. Skulina
420 Standard Bldg.
Cleveland, Ohio 44113

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
Attest: Dominic J. Cmino, Clerk
U. S. District Court
Northern District of Ohio

By T. C. Samford Deputy Clerk

No. 674477

RECEIPT FOR CERTIFIED MAIL—30¢

SENT TO John Ruffalo

STREET AND NO. 510 Mahoning Bank Bldg

P.O., STATE, AND ZIP CODE Youngstown, Ohio 44503

EXTRA SERVICES FOR ADDITIONAL FEES

Return Receipt

Shows to whom and date delivered	Shows to whom, date, and where delivered	Deliver to Addressee Only
☒ 10¢ fee	☐ 35¢ fee	☐ 50¢ fee

POD Form 3800 Mar. 1966 NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See other side)

No. 650005

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO Leonard L. Edsall

STREET AND NO. 2918 W. Federal St.

P.O., STATE AND ZIP CODE Youngstown, Ohio 44503

POSTMARK OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICES	1. Shows to whom and date delivered With delivery to addressee only	15¢
	2. Shows to whom, date and where delivered With delivery to addressee only	25¢
DELIVER TO ADDRESSEE ONLY		85¢
SPECIAL DELIVERY (extra fee required)		50¢

PS Form Nov. 1971 3800 NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See other side)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN TO

POD Form 3811 Apr. 1970

Hon. Robert B. Krupansky
U. S. District Judge
248 U. S. Courthouse
Cleveland, Ohio 44114

POD Form 3811 Apr. 1970

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN TO

Hon. Robert B. Krupansky
U. S. District Judge
248 U. S. Courthouse
Cleveland, Ohio 44114

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
Attest: Dominic J. Cmino, Clerk
U. S. District Court
Northern District of Ohio

By: _____
Deputy Clerk

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.

[X] Show to whom, date and address where delivered [ ] Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO. 674477

INSURED NO.

DATE DELIVERED SEP 7 1972

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*) John Kaffalo

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (*only if requested*) 710 Rockefeller Bank Bldg. Cleveland, Ohio 44513

P 13—68—72340-11 347-188 GPO

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.

[X] Show to whom, date and address where delivered [ ] Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

CERTIFIED NO. 650005

INSURED NO.

DATE DELIVERED 9-2-72

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*) Leonard Edwards

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

SHOW WHERE DELIVERED (*only if requested*)

P 13—68—72340-11 347-188 GPO

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
Attest: Dominic J. Cmino, Clerk
U. S. District Court
Northern District of Ohio

By V C Lampard 9-2-72
Deputy Clerk